

103D CONGRESS
2D SESSION

S. 2149

To amend title XVIII of the Social Security Act to establish a special enrollment period under part B of the medicare program for certain military retirees and dependents living near military bases that are closed and to provide for the payment by the Department of Defense of the late enrollment penalty imposed on such enrollment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25 (legislative day, MAY 16), 1994

Mr. COHEN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to establish a special enrollment period under part B of the medicare program for certain military retirees and dependents living near military bases that are closed and to provide for the payment by the Department of Defense of the late enrollment penalty imposed on such enrollment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ESTABLISHMENT OF MEDICARE SPECIAL EN-**
2 **ROLLMENT PERIOD FOR CERTAIN MILITARY**
3 **RETIREES AND DEPENDENTS AND PAYMENT**
4 **OF LATE ENROLLMENT PENALTY BY DEPART-**
5 **MENT OF DEFENSE.**

6 (a) SPECIAL ENROLLMENT PERIOD.—Section 1837
7 of the Social Security Act (42 U.S.C. 1395p) is amended
8 by adding at the end the following new subsection:

9 “(j) In the case of an individual described in section
10 1839(g)(2), there shall be a 90-day special enrollment
11 period—

12 “(1) beginning 45 days before the scheduled
13 date of the closure of the individual’s military treat-
14 ment facility (as defined in section 1839(g)(3)(C)),
15 or

16 “(2) in the case of a military treatment facility
17 that closed prior to January 1, 1995, beginning Jan-
18 uary 1, 1995.”.

19 (b) COVERAGE PERIOD FOR SPECIAL ENROLL-
20 MENTS.—Section 1838 of the Social Security Act (42
21 U.S.C. 1395q) is amended by adding at the end the follow-
22 ing new subsection:

23 “(f) Notwithstanding subsection (a), in the case of
24 an individual who enrolls during a special enrollment pe-
25 riod pursuant to section 1837(j), the coverage period shall

1 begin on the first day of the month that begins at least
2 15 days after the date of such enrollment.”.

3 (c) PAYMENT BY DEPARTMENT OF DEFENSE OF
4 MEDICARE PART B LATE ENROLLMENT PENALTY.—Sec-
5 tion 1839 of the Social Security Act (42 U.S.C. 1395r)
6 is amended by adding at the end the following new sub-
7 section:

8 “(g)(1) The increase in premiums under subsection
9 (b) due to late enrollment under this part by an individual
10 described in paragraph (2) who enrolls under this program
11 during a special enrollment period provided under section
12 1837(j) shall be paid by the Secretary of the military de-
13 partment concerned.

14 “(2) An individual described in this paragraph is an
15 individual who, as of the date of the announcement of the
16 closure of the individual’s military treatment facility—

17 “(A) is 65 years of age or older;

18 “(B) is eligible for health care under section
19 1074(b) or 1076(b) of title 10, United States Code;

20 “(C) has never, since attaining the age of 65,
21 been enrolled under this part; and

22 “(D) has continuously maintained a primary
23 residence within 65 miles of a military treatment fa-
24 cility since attaining the age of 65.

25 “(3) For purposes of this subsection:

1 “(A) The date of the announcement of the clo-
2 sure of a military treatment facility is the date of
3 the submission to Congress under a base closure law
4 of a report recommending the closure of the military
5 base at which the facility is located.

6 “(B) The term ‘base closure law’ has the mean-
7 ing given such term in section 2825(d) of the Na-
8 tional Defense Authorization Act for Fiscal Years
9 1992 and 1993 (10 U.S.C. 2687 note).

10 “(C) The term ‘closure of the individual’s mili-
11 tary treatment facility’ means, with respect to an in-
12 dividual, the closure under a base closure law of the
13 last military treatment facility within 65 miles of the
14 primary residence of the individual.

15 “(D) The term ‘military treatment facility’
16 means a facility of a uniformed service referred to
17 in section 1074(a) of title 10, United States Code,
18 in which health care is provided.”.

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